S.B.CRIMINAL MISC. BAIL APPLICATION NO.3805/2004

03.11.2004

HON'BLE MR.H.R.PANWAR,J.

Mr. Sandeep Mehta, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor for the State. Perused the order impugned. I have carefully gone through the investigation diary.

I have also carefully gone through the dying declaration made by the deceased to the police and subsequently to the Judicial Magistrate. Before recording the statement by Judicial Magistrate, the doctor has certified that the patient is conscious and fit to give verbal statement. In the dying declaration, she has not alleged anything against the present petitioner. From the perusal of the investigation diary, it appears that mainly serious allegations have been levelled against Suresh Kumar who is said to be the husband of the deceased and who used to harass and assault the deceased on account of payment of dowry.

Be that as it may, since the deceased herself has not implicated the petitioner who is father-in-law and an old person about 60 years of age, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, it is directed that in the event of arrest of petitioner Panna Lal S/o Shri Magh Ji in FIR No.194/2004 P.S. Jhallara, District Udaipur, he shall be released on bail provided he furnishes a personal bond in the sum of

Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer on the following conditions:-

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

(H.R.PANWAR),J.

/skm/